

Before the
Administrative Hearing Commission
State of Missouri



DIRECTOR, DEPARTMENT OF PUBLIC
SAFETY,

Petitioner,

vs.

JACOB BALDWIN,

Respondent.

No. 14-0039 PO

DECISION

Jacob Baldwin is subject to discipline because he committed a criminal offense.

Procedure

On January 13, 2014, the Director of the Department of Public Safety (“the Director”) filed a complaint seeking to discipline Baldwin’s peace officer license. On January 17, 2014, Baldwin was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail. Baldwin did not file an answer to the complaint.

On February 24, 2014, the Director filed a motion for summary decision. We notified Baldwin by letter dated February 26, 2014, that he should file any response to the Director’s motion by March 12, 2014. Baldwin did not respond to the motion.

Under 1 CSR15-3.446(6)(A),¹ we may grant summary decision “if a party establishes facts that entitle any party to a favorable decision and no party genuinely disputes such facts.” Those facts may be established by stipulation, pleading of the adverse party, or other evidence admissible under the law.² By failing to respond to the motion for summary decision, Baldwin failed to raise a genuine issue as to the facts the Director established in his motion.³

Moreover, because Baldwin did not answer or otherwise respond to the complaint as required by 1 CSR 15-3.380(1), we order that he is deemed to have admitted the facts pleaded in the complaint, to have waived any defenses thereto, and to have defaulted on any issues raised in the complaint.⁴ Accordingly, we base our findings of fact on the complaint and the admissible documents attached to the Director’s motion: business records authenticated by a custodian of records affidavit and certified court documents from the criminal case against Baldwin.

The following facts are undisputed.

Findings of Fact

1. At all relevant times, Baldwin was licensed by the Department as a peace officer. His license has been current and active since April 26, 2010.

2. On October 8, 2013, in the Ada County, Idaho, Magistrate Court, Baldwin pled guilty to the criminal offense of driving under the influence in violation of Idaho Code Section 18-80004. On February 16, 2013, Baldwin, under the influence of alcohol and/or with an alcohol concentration of .08 or more, was in actual physical control of a motor vehicle in Ada County, Idaho.

¹ All references to “CSR” are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.

² 1 CSR 15-3.446(6)(B).

³ 1 CSR 15-3.446(6)(B).

⁴ 1 CSR 15-3.380(7)(A) and (C).

3. Baldwin was sentenced to 180 days in jail, but his sentence was suspended and he was placed on one year of probation, ordered to pay a fine of \$947.50, and his driver's license was suspended for ninety days.⁵

Conclusions of Law

We have jurisdiction to hear this case.⁶ The Director has the burden of proving that Baldwin has committed an act for which the law allows discipline.⁷ The Director alleges there is cause for discipline under § 590.080.1, which provides:

1. The director shall have cause to discipline any peace officer licensee who:

* * *

(2) Has committed any criminal offense, whether or not a criminal charge has been filed.

Baldwin is deemed to have admitted he committed a criminal offense, as alleged in the complaint. He pled guilty to driving under the influence, and was sentenced to 180 days in jail. The sentence was suspended and he was placed on one year of probation. The court also imposed a fine of \$947.50. A fine is a sentence.⁸ A final judgment in a criminal case occurs when a sentence is issued.⁹ A final judgment resulting from a guilty plea collaterally estops a defendant from arguing in a future action that he did not commit the criminal offense.¹⁰ Thus, we find there was a final judgment resulting from Baldwin's guilty plea to the criminal offense of driving under the influence, and that Baldwin committed the offense.

⁵ Petitioner's Ex. B.

⁶ Section 590.080.2. Statutory references are to RSMo Cum. Supp. 2013.

⁷ *Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App. E.D. 1989).

⁸ Section 557.011.2(2).

⁹ *State v. Williams*, 871 S.W.2d 450, 452 (Mo. 1994); *State v. Famous*, 415 S.W.3d 759 (Mo.App. E.D. 2013); *State v. Paul*, 401 S.W.3d 591, 592 (Mo.App. W.D. 2013).

¹⁰ *James v. Paul*, 49 S.W.3d 678, 682-83 (Mo. 2001); *Carr v. Holt*, 134 S.W.3d 647, 649 (Mo. App. E.D. 2004).

Summary

The Director has cause to discipline Baldwin's license under § 590.080.1(2). We grant the Director's motion for summary decision and cancel the hearing.

SO ORDERED on March 17, 2014.

\s\ Mary E. Nelson

MARY E. NELSON

Commissioner